

LAND USE AND ZONING COMMITTEE

Minutes: January 26, 2006

The Land Use and Zoning Committee hereby find and determine that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:58 p.m.

The following members were present: Messrs. Hazel, Hullihen, Haycox, Klco, Morse, Terriaco, Welch and Messes. Ross, and Garland. Staff: David Radachy Audience: Robert Galen

There are four items on the agenda.

Concord Township District Change R-4 to R-1:

Location: Concord-Hambden Road and Winchell Road **Township:** Concord Township

Applicant: Riebe Living Trust **Engineer/Surveyor:** CT Consultants

Area of the district change request: 166 Acres

Current Zoning: R-4 Residential **Proposed Zoning:** R-1, Residential

2004 Concord Twp. Comprehensive Plan: R-4 District, maintain minimum lot size and encourage conservation development.

R-1 Zoning Requirements: *Frontage:* 50 Feet *Width at building setback:* 100 feet
Lot Size: 22,000 sq. ft. with sanitary sewer and water, $\frac{3}{4}$ of acre without sanitary sewer or water.

R-4 Zoning Requirements: *Frontage:* 50 Feet *Width at building setback:* 100 feet
Lot Size: One Acre

Staff stated that Concord Township rezoned most of the land east of Ravenna Road R-4. This included land west of Leroy Township, north of Geauga County and south of Painesville Township. They did not rezone land that was commercial or Far Hills and Rio Grande Estates Subdivisions because they were served by sanitary sewer. They were platted with lots that were 22,000 square feet.

The minutes from the Lake County Planning Commission and the Land Use and Zoning Committee stated that the rezoning conformed to the Comprehensive Plan from 1994. The minutes also state that this zoning change was brought up from the fact that sanitary sewer was coming to the eastern part of Concord Township which could bring more $\frac{1}{2}$ acre lots.

The owners of the property currently have an approved preliminary plan with 148 sublots on the site. Staff stated using a general formula of (gross acreage x 20% [ROW and other improvements])/22,000 sq. ft., staff estimates that the applicant would be able to get 265 lots on this site.

Staff recommends that the zoning not be changed. It does not conform to the 2004 Comprehensive Plan.

Staff was asked how long the applicant owned the property. Staff stated no more than one year. The committee then stated that the zoning was in place when he brought the property and the applicant knew the zoning when he brought it. Staff stated that the applicant has a preliminary plan with proper lot sizes. He knows what the zoning is.

Staff stated that the applicant owned the land to the north. He owned prior to the zoning change and rezoned the land to R-2 PUD. The committee asked when that happened. Staff stated that Summerwood was rezoned to R-2 PUD in 2003.

Mr. Robert Galen of Girdled Road asked the committee to be consistent with their recommendations of 1999. He urged them to recommend denying the zoning request.

Mr. Haycox made a motion to recommend that Concord Township does not make the district change. It does not conform to the Comprehensive Plan.

Mr. Klco seconded the motion.

All voted "Aye".

Motion passed.

Painesville Township District Change

Location: Granger Road (Paper Street) and Meadowlark Rd. **Township:** Painesville

Applicant: Kovach Enterprises

Co-Applicants: Joe & Shelia Kovach, Karlene Bonnay, and Terry Luda

Engineer/Surveyor: John Alban **Acreage of the district change request:** 4.486 Acres

Current Zoning: I-1, Light Industrial **Proposed Zoning:** R-2, Residential

1996 Painesville Township Comprehensive Plan: Residential

Zoning Requirements: Minimum lot size requirements for R-2, Residential is 75 feet of frontage and 12,500 sq. ft. of land.

General Information: The Comprehensive Plan states that this site should be residential. The co-applicants purchased property from Kovach Enterprises to enlarge their residential parcels. The owners of the sublots on Meadowlark Road wish to add additional acreage to their parcels. There are currently homes on each one of the sublots along Meadowlark. If the zoning stays the same, these lots would have split zoning on them.

The lots along Meadowlark are zoned R-2. The lots on Granger are zoned R-1. Under the proposed zoning of R-2, the applicant could lot split the site into three lots if they improve the road. The owner can also lot split a fourth lot with a variance for frontage (There is 60 feet of frontage on Meadowlark Road.). The applicant can also do a major subdivision of 7 to 10 sublots on the site should they decide to build a new road through the 60-foot frontage on Meadowlark.

Granger Road is a platted but unimproved street. Currently, there is a driveway in the right-of-way that is maintained by the two houses on Granger Road. The Township should consider having the owner open the right-of-way before allowing any new units on the site.

Staff recommends approval, it conforms to the Comprehensive Plan.

Mr. Haycox had some concerns with putting a house so close to the high tension power lines. He asked how far the house would be from the power lines. Staff stated that it could be as close as 15 feet, which is sideline clearance. Mr. Haycox thought was too close.

The committee asked what was around the site. Staff stated that there were homes on Meadowlark, Grand Haven Court and Carson. Staff also pointed out that the I-1 land to the west was owned by Laketrans. Staff stated if the land stayed I-1, then light industrial could be done on the site.

Mr. Klco made a motion to recommend the approval of the district change.

Mr. Hazel seconded the motion.

Seven voted "Aye".

Two voted "Nay".

Motion passed.

Painesville Township Text Change adding child day care center to B-3.

This would allow a child day care center into the B-3 district and defines day care center. This is a proper use for the B-3 district. Staff recommends that section 24.13 B a, Rules Governing Adult Oriented Business, be amended to read: “The proposed business is located more than one thousand feet from a church, a public or private school, public park or play ground, **child day care center**, or any social service facility, fairgrounds, or neighborhood center”.

Mr. Haycox stated that the Painesville Township BZA just heard a variance request on this issue. He was glad to see the change. He asked how adding 1000 feet away from existing adult uses would affect them. Staff stated that it would be grandfathered. You cannot force them to move 1000 feet away from a day care center if they already exist that close.

Mr. Morse made a motion to recommend the text changes with staff’s suggestions.

Mr. Terriaco seconded the motion.

All voted “Aye”.

Motion passed.

Perry Township Text Changes:

Section	Change	
307.04 a	Lowering the density of the PUD district from 4 units per acre and 6 units per acre in the Lake Shore Residential to 2 units per acre.	Staff recommends approval of lowering density to 4 units per acre for all PUDs. One of Perry Township’s goals in the 2003 Comprehensive Plan is protection of the Lake Erie Shoreline. Staff does not recommend lowering the density to 2 units per acre. Staff suggests 3 units per acre. PUDs are meant to be a mixed-use development of multi-family and single-family uses. Perry Township already has three PUDs above 2 units per acre. Loreto Landings Density is 2.5 units per acre, Grand Manor is 4 units per acre, and Red Mill Run Phase 3 is 2.33 units per acre. Currently R-1 is 1.25 units per acre with sewer and water, ER-1 is 1 unit per acre, ER-2 is 1/2 unit per acre, and ER-3 is 1/3 unit per acre. The decrease will reduce the density to the old R-1 level. R-1 was 2 units per acre unit in 2001. Concord Township is 3 units per acre and Painesville Township is 4 units per acre. Staff recommends 3 units per acre.
307.04 b	Increasing open space requirements from 20% to 40% of the total land area.	One of the goals of the 2003 Perry Township Comprehensive Plan is to preserve open space. The increase in open space percentage will accomplish this goal. Without standards for open space (citing, minimum size, width, location, access), this may create low quality open space. Extensions of backyards, etc. Staff suggests that standards be created.
307.04 f	Increasing the minimum floor area of attached single-family dwellings from 800 SF to 1200 SF	Okay.

307.04 h	Increasing the minimum setback from an existing right-of-way from 50 feet to 100 feet.	Do not change. 50 feet is the required setback for R-1, ER-1,2, and 3. Keeping it at 50 feet would keep everything in line along an existing road.
317.01	Changing to the reference in the I-3 permitted uses from I-1 1-81 to I-1 1-79. There are only 79 permitted used in I-1.	Okay.

Mr. Welch stated that the Perry Township Zoning Commission is unhappy with the style and quality of the Planned Unit Developments that they have been seeing. They would like to see PUD's more clustered and have greater amounts of open space.

Mr. Terriaco made a motion to recommend the text change with staff's recommendations of 3 units per acre, open space standards should be developed, and keeping the setback off an existing road at 50 feet. Mr. Morse seconded the motion.

Eight voted "Aye".
Mr. Welch abstained.

Motion passed.

Mr. Haycox made a motion to adjourn.
Mrs. Garland seconded.

All voted "Aye".
Motion passed.

Meeting ended at 7:25 P.M.